



CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 04/18/00

AGENDA ITEM 5a

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Approval of Negative Declaration and Authorization of Eminent Domain Procedures for the Harder Road Grade Separation and Lund Avenue Detour Project

RECOMMENDATION:

It is recommended that the City Council conduct the public hearing and approve the attached resolutions that:

1. Approve the Negative Declaration for the project; and
2. Approve a resolution of necessity authorizing institution of eminent domain proceedings for the acquisition from the one remaining property owner more particularly identified in Exhibit A.

BACKGROUND:

The Harder Road Underpass Project is designed to eliminate the current at-grade crossing of the Union Pacific railroad tracks. When completed, the grade separation will eliminate potential collisions between trains and vehicles/pedestrians and improve traffic circulation on this vital east-west arterial. The project, which is funded primarily by State Grade Separation funds and Union Pacific Railroad (UPRR) funds, will lower Harder Road between Soto Road and Gading Road, so that traffic and pedestrians can pass safely underneath a new Union Pacific Railroad bridge without waiting for trains.

At a work session on June 8, 1999, Council was briefed on the need to close Harder Road for a period of 20 months and the creation of the Lund Avenue Detour (see Exhibit B). Lund Avenue is presently unimproved along most of its length, and the proposed construction consists of installing curbs, gutters, sidewalks, and full width pavement to provide a safe, effective detour and to help mitigate the effect of the additional vehicles along this residential street of single-family homes, duplexes and apartments. A temporary traffic signal would be installed at the intersection of Lund Avenue and Soto Road to facilitate the turning movements.

DISCUSSION:

Although projects funded by the State Grade Separation Program are categorically exempt by state law, because of the additional detour work on Lund, staff prepared the attached Initial Study and Negative Declaration for the project, in conformance with the California

Environmental Quality Act (CEQA) guidelines. Approval of the Negative Declaration is recommended based on the findings of the Initial Study that there is no substantial evidence that the project will have a significant effect on the environment.

A number of property acquisitions are necessary for the project to proceed. An offer in writing based on the fair market value appraisal of the properties being acquired have been made to each of the property owners as well as the owners receiving a written summary statement of the basis for the amount established as just compensation, as required by Section 7267.2 of the Government Code.

Of the original nine parcels affected, a total of two parcels with one ownership remains to be acquired. Portions of one parcel is to be acquired in fee and two parcels will have temporary construction easements (see Exhibit C for parcel locations). There have been meetings, correspondence, plan revisions, and phone conversations with the owner and other interested parties, such as legal counsel, resulting in contract revisions; however, impasses have developed in the acquisition process. The City and property owner has been unable to agree on the fair market value of the properties.

Because State funding is involved in this project, the City has to meet the State's requirements in order to secure this funding. Without immediate acquisition of these properties, the City will surpass the State's required designated deadline for completion of this project and will have to request an extension to secure \$5,000,000 of potential reimbursement. The total estimated project cost is \$7,521,000. The call for bids for this project is scheduled for this evening. Thus, in order to meet our advertising schedule, it is now necessary to have City ownership or possession of these parcels settled.

Commencing the eminent domain process now will afford the City the opportunity to secure possession of the necessary property and afford the property owner the right to draw and use the money the City must deposit for the owner's benefit. Of course, City staff will continue to pursue all opportunities to negotiate with the owner or his representative, if possible. Once litigation is filed, all property acquisition efforts shall be coordinated between the City Attorney's office or designated counsel.

Exhibit A, the Summary of Parcels remaining to be acquired, identifies for each parcel: street address, assessor's parcel number, name of owner, size of parcel in square feet, appraised value, and easement requirements.


A two-thirds vote of the City Council is required to approve this action, pursuant to the Code of Civil Procedure. While public testimony is not restricted at the hearing, only the following items are required to be considered by Council:

1. Public interest and necessity requires the proposed project;
2. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;

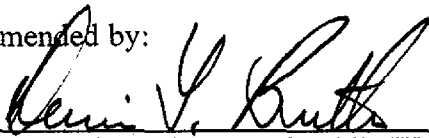
3. The real property shown on Exhibit A is necessary for this project; and
4. The offer required by the Government Code has been made to the owners of record.

A Notice of Hearing has been sent to the property owners informing them of the hearing date in the manner required by State law.

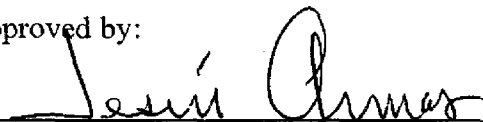
Prepared by:


Robert A. Bauman, Deputy Director of Public Works

Recommended by:


Dennis L. Butler, Director of Public Works

Approved by:


Jesús Armas, City Manager

Attachments: Exhibit A: Summary of Parcels
Exhibit B: Site Map
Exhibit C: Project Location Map
Exhibit D: Negative Declaration

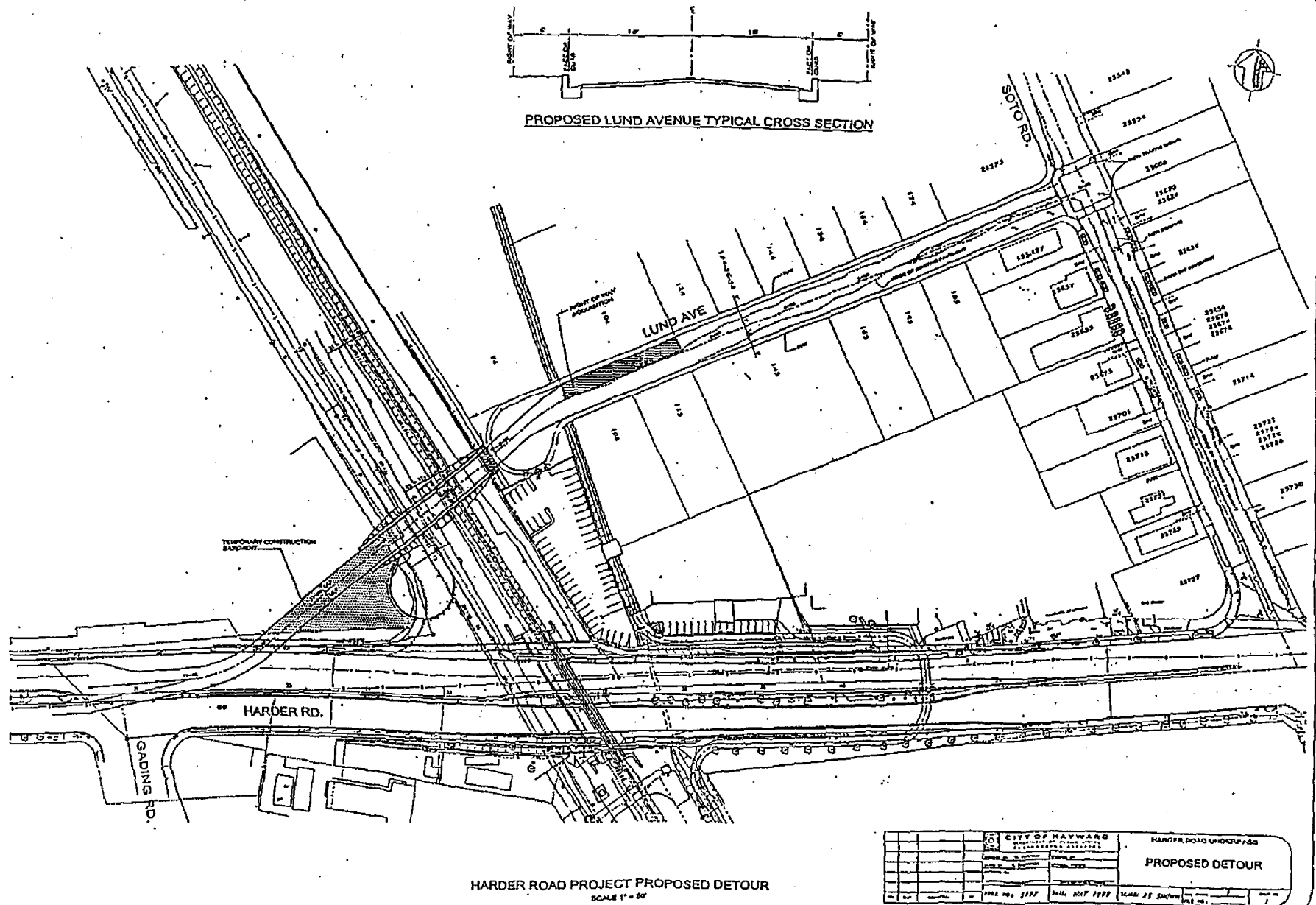
HARDER ROAD GRADE SEPARATION AND LUND AVENUE DETOUR SUMMARY OF PARCELS REMAINING TO BE ACQUIRED

OWNER	SITE ADDRESS	APN:	PORTION OF PARCELS TO BE ACQUIRED IN FEE (S.F.)	IMPROVEMENTS, DAMAGES, AND EASEMENTS	APPRAISED VALUE
1. Evilsizor FINAL OFFER: 136,740.61 ROUNDED TO: 137,000.00	4 & 6 HARDER ROAD	444-69-76-2 & 77-2 (portions)	3,781± s.f.	Landscaping & Paving TCE Parking Impact Sanitary Sewer 2,139±s.f. Storm Drain 3,148±s.f. Temp. Const. ^A 13,111±s.f. Temp. Const. ^B 14,648±s.f.	49,153.00 32,688.35 12,000.00 9,176.31 13,504.92 17,044.30 3,173.73

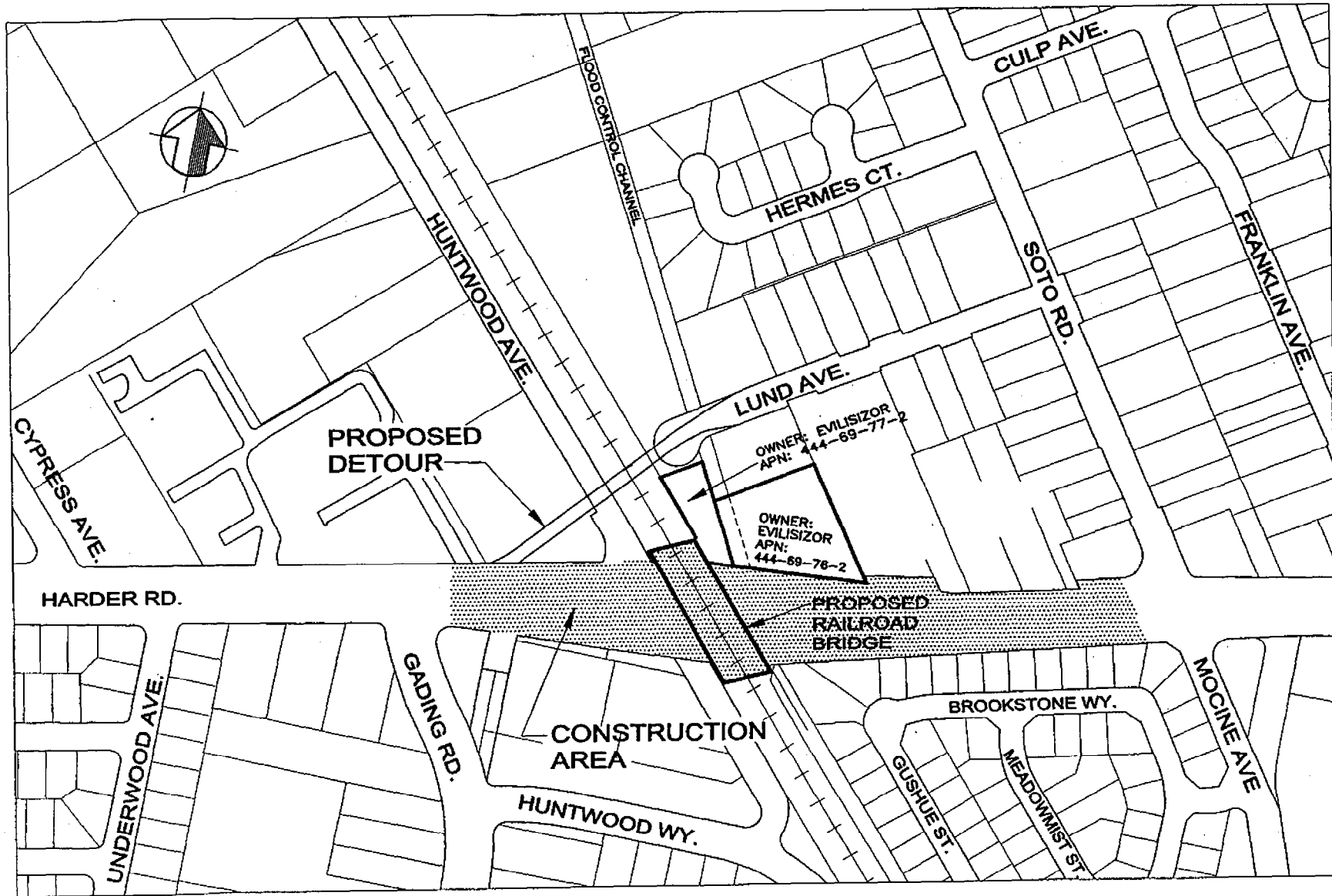
A = Temporary Construction for a 12 month period along Harder Road

B = Temporary Construction for a 2 month period for the Lund Avenue Access and parking lot modification

Exhibit B



SITE PLAN



**HARDER ROAD UNDERPASS
PROJECT LOCATION MAP**

NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that no significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

I. **PROJECT DESCRIPTION:**

The project will construct a railroad bridge and lower Harder Road. The project will include street improvements such as curbs, gutters, sidewalks, landscaping, relocated street lights, and a new storm water drainage system. It also includes street improvements along Lund Avenue to include curbs, gutters, and sidewalks; installation of a new temporary traffic signal at the Lund Avenue/Soto Road intersection, and a temporary detour from the westerly end of Lund Avenue across the UPRR tracks to Harder Road at Gading Avenue.

II. **FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:**

That the proposed project will have no substantial effect on the area's resources, cumulative or otherwise.

III. **FINDINGS SUPPORTING DECLARATION:**

The existing Harder Road will be lowered to allow for construction of a new railroad bridge, which in turn will positively impact the safety and noise level of the existing at-grade railroad crossing. The proposed sidewalk running under the proposed Railroad Bridge will improve pedestrian circulation. Also, street improvements on Lund Avenue will positively impact the traffic flow and pedestrian circulation.

IV. **PERSON WHO PREPARED INITIAL STUDY:**

Morad Fakhrai, Associate Civil Engineer

Name/Title

February 18, 2000

Date

V. **COPY OF INITIAL STUDY IS ATTACHED**

INITIAL STUDY CHECKLIST FORM

Project title: Harder Road Grade Separation

Lead agency name and address: City of Hayward, 777 "B" Street, Hayward, CA 94541-5007

Contact persons and phone number: Morad Fakhrai, (510) 583-4762

Project location: Harder Road at Union Pacific Railroad Crossing, between Gading and Soto Roads, and Lund Avenue between Soto Road and Harder Road.

Project sponsor's name and address: City of Hayward, 777 "B" Street, Hayward, CA 94541-5007

General plan designation: High Density, Medium Density, and Limited Medium Density Residential on Harder Road. Low Density/Medium density Residential on Lund Avenue.

Zoning: Medium Density Residential, Planned Development, High Density Residential, and Neighborhood Commercial/Residential on Harder Road, and Single Family Residential on Lund Avenue.

Description of project: The project will construct a railroad bridge and lower Harder Road at Union Pacific Railroad crossing, between Soto Road and Gading Avenue. The project will include street improvements such as curbs, gutters, sidewalks, landscaping, relocated streetlights, and a new storm water drainage system. It also includes street improvements along Lund Avenue to include curbs, gutters, and sidewalks; installation of a new temporary traffic signal at the Lund Avenue/Soto Road intersection.

Surrounding land uses and setting: Single and multi-unit residential, commercial, and planned development along Harder Road. Single and multi-unit residential along Lund Avenue.

Other public agencies whose approval is required: California Public Utilities Commission, Regional Water Quality Control Board, Dept. of Interior (Fish and Wildlife Service), Corps. Of Engineers.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|--|
| <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Transportation/Circulation | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Utilities and Service Systems |
| <input type="checkbox"/> Geological Problems | <input type="checkbox"/> Energy and Mineral Resources | <input type="checkbox"/> Aesthetics |
| <input type="checkbox"/> Water | <input type="checkbox"/> Hazards | <input type="checkbox"/> Cultural Resources |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Noise | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Mandatory Findings
of Significance | | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

Signature

Morad Fakhrai

Printed name

2/18/00

Date

City of Hayward

For

ENVIRONMENTAL IMPACTS:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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I. LAND USE AND PLANNING. *Would the proposal:*

a) Conflict with general plan designation or zoning?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The Project is included in the Circulation Element of the City of Hayward's General Plan.

b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Be incompatible with existing land use in the vicinity?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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II. POPULATION AND HOUSING. *Would the proposal:*

a) Cumulatively exceed official regional or local population projections?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Displace existing housing, especially affordable housing?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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III. GEOLOGIC PROBLEMS. *Would the proposal result in or expose people to potential impacts involving:*

a) Fault rupture?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The project site is not located within a "State of California Earthquake Fault Zone." The site is located approximately 0.9 miles from the Hayward fault system.

It is likely that the site will be subjected to a major earthquake during the life of the proposed bridge structure. No active faults are believed to exist within the project site. Therefore, during such an event it is unlikely that surface rupture due to faulting or severe ground shaking will occur at the site; however, ground-shaking may be violent.

b) Seismic ground shaking?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: In accordance with current Caltrans Division of Structures site seismicity evaluation procedures (with reference to Caltrans "Seismic Hazard Index Map 1996" and the "Hayward" Alquist-Priolo sheet), "peak rock acceleration" 0.7g is assigned the site, associated with an event of 7.5 magnitude on the Hayward Fault zone located approximately 4,000 ft easterly. The proposed project is designed to be built to the most recent Uniform Building Code regulations.

c) Seismic ground failure, including liquefaction?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: Ground shaking can be expected at the site during a moderate to severe earthquake, which is common in the general region. Seismic ground failure, including liquefaction and subsidence, is possible but not likely at this site. This impact is considered less than significant.

d) Seiche, tsunami, or volcanic hazard?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Landslides or mudflows?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comment: Although the project will require extensive grading to lower Harder Road, there will be no increase in potential for erosion or soil condition instability.

g) Subsidence of land?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expansive soils?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Unique geologic or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IV. WATER. *Would the proposal result in:*

a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: The project site is currently an at-grade roadway with a reinforced box culvert underneath. Both northerly and southerly of the roadway Ward Creek flows in a trapezoidal earthen channel that is approximately five-feet wide across the bottom and 25-feet wide across the top with grasses and shrubs typically found in earthen channels. The project proposes to realign the existing box culvert portion of the channel the proposed realignment consists of a ten-foot by 6-foot reinforced concrete box under Harder Road. A 15-foot long, 7-foot high warped wingwall will be constructed at the box culvert outlet, and the trapezoidal channel downstream from the wingwall will be graded to a five-foot bottom, 1-½ to 1 side slopes to a point 345-feet downstream from the warped wingwall. A 30-foot long concrete transition structure will also be constructed at the box culvert inlet. Although the new inlet and outlet will slightly increase the amount of impervious area within the channel, the removal of existing concrete slabs and sidewalks along the southerly side of Harder Road, will offset this increase.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Because lowering Harder Road will change the drainage pattern of the roadway a new pumping station will be installed with the project, which will divert the storm water into the existing Ward Creek, where it has historically flowed.

- b) Exposure of people or property to water related hazards such as flooding?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See comments under IV.a. The existing drainage improvements are designed for a 100-year storm event and will convey more drainage than the existing drainage improvements, thereby reducing exposure of people or property to water related hazards such as flooding.

- c) Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- d) Changes in the amount of surface water in any water body?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- e) Changes in currents, or the course or direction of water movements?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- f) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- g) Altered direction or rate of flow of groundwater?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- h) Impacts to groundwater quality?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- i) Substantial reduction in the amount of groundwater otherwise available for public water supplies?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: Tests conducted by geotechnical engineers indicate no reduction in the amount of groundwater in the water wells in the vicinity of the project, since the wells draw from an aquifer that is substantially lower than the proposed excavation level.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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V. **AIR QUALITY.** *Would the proposal:*

- a) Violate any air quality standard or contribute to an existing or projected air quality violation?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The project will eliminate the need for vehicular traffic to stop at the railroad crossing, which will minimize air quality impacts from vehicle. During the construction phase, the contractor will insure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation and that construction equipment is maintained and operated in such a way as to minimize exhaust emissions.

- b) Expose sensitive receptors to pollutants?
- c) Alter air movement, moisture, or temperature, or cause any change in climate?
- d) Create objectionable odors?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VI. **TRANSPORTATION/CIRCULATION.** *Would the proposal result in:*

- a) Increased vehicle trips or traffic congestion?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: The project does not increase development and therefore, does not generate any additional traffic. The project will ultimately reduce traffic congestion at the intersection of Harder and the UPRR crossing, since there will be not vehicle waits when the trains cross. Lund Avenue and Soto Road are being improved and a temporary traffic signal placed at Soto Road and Lund Avenue to reduce traffic congestion along the detour route. It is anticipated that some vehicle will seek other alternate routes; however, the impacts on other roadways such as Whitman Road or Mission Boulevard are not expected to be significant. Vehicle traffic along Huntwood Avenue northerly of the project will likely be reduced since this roadway will no longer connect to

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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Harder Road. The City is in the process of improving the Soto Road and Jackson Street intersection, the Soto Road and Orchard Road intersection and Orchard Road easterly of Soto Road, which will minimize the impacts of any additional traffic on these intersections and roadways.

- b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- c) Inadequate emergency access or access to nearby uses?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The Lund Avenue detour and the installation of traffic signal pre-emption devices along Harder Road and at Soto Road at Lund Avenue will provide for adequate temporary emergency access. Once the project is complete, emergency access will be improved because conflicts between trains and emergency vehicles will be eliminated.

- d) Insufficient parking capacity onsite or offsite?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The project will not decrease the available number of parking spaces, either on-site or off-site.

- e) Hazards or barriers for pedestrians or bicyclists?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The project will improve pedestrian and bicyclist safety because it eliminates the potential conflicts with trains.

- f) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- g) Rail, waterborne or air traffic impacts?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: This project will introduce a new railroad bridge creating a safer grade-separated train crossing.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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VII. BIOLOGICAL RESOURCES. *Would the proposal result in impacts to*

- a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: A site visit and subsequent decision by Fish and Wildlife Services staff concluded the project would have no impact on endangered, threatened, or rare species.

- b) Locally designated species (e.g., heritage trees)?
- c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?
- d) Wetland habitat (e.g., marsh, riparian, and vernal pool)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment: At the Regional Water Quality Control Board's request a series of trees will be planted on top of east-side bank of the downstream portion of the open-channel to improve/maintain the quality of natural habitat.

- e) Wildlife dispersal or migration corridors?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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VIII. ENERGY AND MINERAL RESOURCES. *Would the proposal:*

- a) Conflict with adopted energy conservation plans?
- b) Use nonrenewable resources in a wasteful and inefficient manner?
- c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IX. HAZARDS. *Would the proposal involve:*

- a) A risk of accidental explosion or release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Possible interference with an emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) The creation of any health hazard or potential health hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Exposure of people to existing sources of potential health hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Increased fire hazard in areas with flammable brush, grass, or trees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

X. NOISE. *Would the proposal result in:*

a) Increases in existing noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: Elimination of the need for pedestrian and vehicular traffic to stop at the rail crossing will result in elimination of the need for trains to blow their whistles.

b) Exposure of people to severe noise levels? See X.a) above.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XI. PUBLIC SERVICES. *Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:*

a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The project will install new pre-emption systems at Harder/Soto and Harder/Gading intersections that will have a positive impact for the flow of emergency vehicles.

b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Maintenance of public facilities, including roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other government services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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XII. UTILITIES AND SERVICE SYSTEMS. *Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities?*

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Power or natural gas? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Communications systems? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Local or regional water treatment or distribution facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Sewer or septic tanks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Storm water drainage? The project will require a new storm water drainage system for the lowered Harder Road Underpass. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Solid waste disposal? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Local or regional water supplies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XIII. AESTHETICS. *Would the proposal?*

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Affect a scenic vista or scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project dramatically increases the amount of landscaping along this portion of Harder Road. The new side slopes and median will be landscaped. Private property that is disrupted by the construction will also be re-landscaped.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Have a demonstrable negative aesthetic effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Create light or glare? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XIV. CULTURAL RESOURCES. *Would the proposal:*

- | | | | | |
|---------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Disturb paleontological resources? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: No paleontological resources are known to exist at the project site.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Disturb archaeological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comment: No archaeological resources are known to exist at the project site.				
c) Have the potential to cause a physical change which would affect unique cultural values?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Restrict existing religious or sacred uses within the potential impact area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XV. RECREATION. *Would the proposal:*

a) Increase the demand for neighborhood or regional parks or other recreational facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Affect existing recreational opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVI. MANDATORY FINDINGS OF SIGNIFICANCE.

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Potentially Significant Less Than Significant Impact</i>	<i>No Impact</i>
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XVII. EARLIER ANALYSES.

a) Earlier analyses used.

None

b) Impacts adequately addressed

Yes

c) Mitigation measures.

Mitigation measures are a part of the project.

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

DRAFT

Introduced by Council Member _____

DM 4-13-00

**RESOLUTION ADOPTING A NEGATIVE DECLARATION,
FINDING AND DECLARING A PUBLIC NEED FOR THE
HARDER ROAD GRADE SEPARATION AND LUND
AVENUE DETOUR PROJECT AND AUTHORIZING THE
ACQUISITION AND IMMEDIATE POSSESSION BY
EMINENT DOMAIN PROCEEDINGS OR OTHERWISE AS
TO CERTAIN REAL PROPERTY LOCATED AT 4 & 6
HARDER ROAD**

WHEREAS, prior to consideration of adoption of this resolution, City staff has negotiated with Mr. Kenneth Evilsizor Jr., the owner of the real property located at 4 & 6 Harder Road, Hayward, California (APN 444-69-76-2 & 444-69-77-2), more particularly described in Exhibit A to this Resolution, regarding City acquisition of such property for the Harder Road Grade Separation and Lund Avenue Detour project ("Project"); and

WHEREAS, the City Council has considered an Initial Study and Negative Declaration prepared by City staff for the Project pursuant to the provisions of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the City of Hayward's CEQA Guidelines; and

WHEREAS, the City has complied with all of the provisions of section 1245.235 of the Code of Civil Procedure of the State of California, including an April 18, 2000, public hearing on the matters referred to in section 1240.030 of said code, and prior notice of such hearing to the owner of the subject property, as required by said section 1245.235; and

WHEREAS, the City of Hayward is authorized by the Constitution and statutes of the State of California, including, but not limited to, Government Code sections 37350.5 and 37353, to acquire real property by eminent domain and otherwise.

1. That the public interest, convenience, and necessity require the acquisition by the City of Hayward of the real property described in Exhibit "A" for the Harder Road Grade Separation and Lund Avenue Detour project;
2. That the public interest, convenience, and necessity require that a fee simple estate be taken by the City of Hayward in and to said real property or interests in real property and such property is necessary for this Project in order to construct the grade separation of Harder Road and the Lund Avenue detour to eliminate potential collisions between trains and vehicles/pedestrians and improve traffic circulation on Harder Road, which is a vital east-west arterial;
3. That said Project is planned and located in the manner which will be most compatible with the greatest public good and the least private injury;
4. City staff has made an offer required by section 7267.2 of the Government Code of the State of California to the property owner prior to adoption of this resolution of necessity.

BE IT FURTHER RESOLVED by the City Council that the City of Hayward carry out said project and acquire said real property; that the City Attorney is hereby authorized and directed to take any and all actions necessary or convenient on behalf of the City of Hayward to acquire immediate possession of and title to the real property by eminent domain proceedings or otherwise.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2000

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward